



APPLICATION ACCEPTED: January 1, 2015
DATE OF PUBLIC HEARING: April 22, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

April 15, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-PR-009

PROVIDENCE DISTRICT

APPLICANT: Paula Mansour Awad

OWNERS: Paula Mansour Awad
Jihad Awad

LOCATION: 8354 Electric Ave., Vienna, 22182

SUBDIVISION: Collins

TAX MAP: 39-3 ((1)) 66

LOT SIZE: 1 acre

ZONING: R-1

ZONING ORDINANCE PROVISIONS: 8-917, 8-923

SPECIAL PERMIT PROPOSAL: To permit modification to the limitations on the keeping of animals and to permit fence greater than four feet in height in a front yard.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-PR-009 for the keeping of animals and for a fence greater than four feet in height in a front yard with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Casey V. Gresham

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

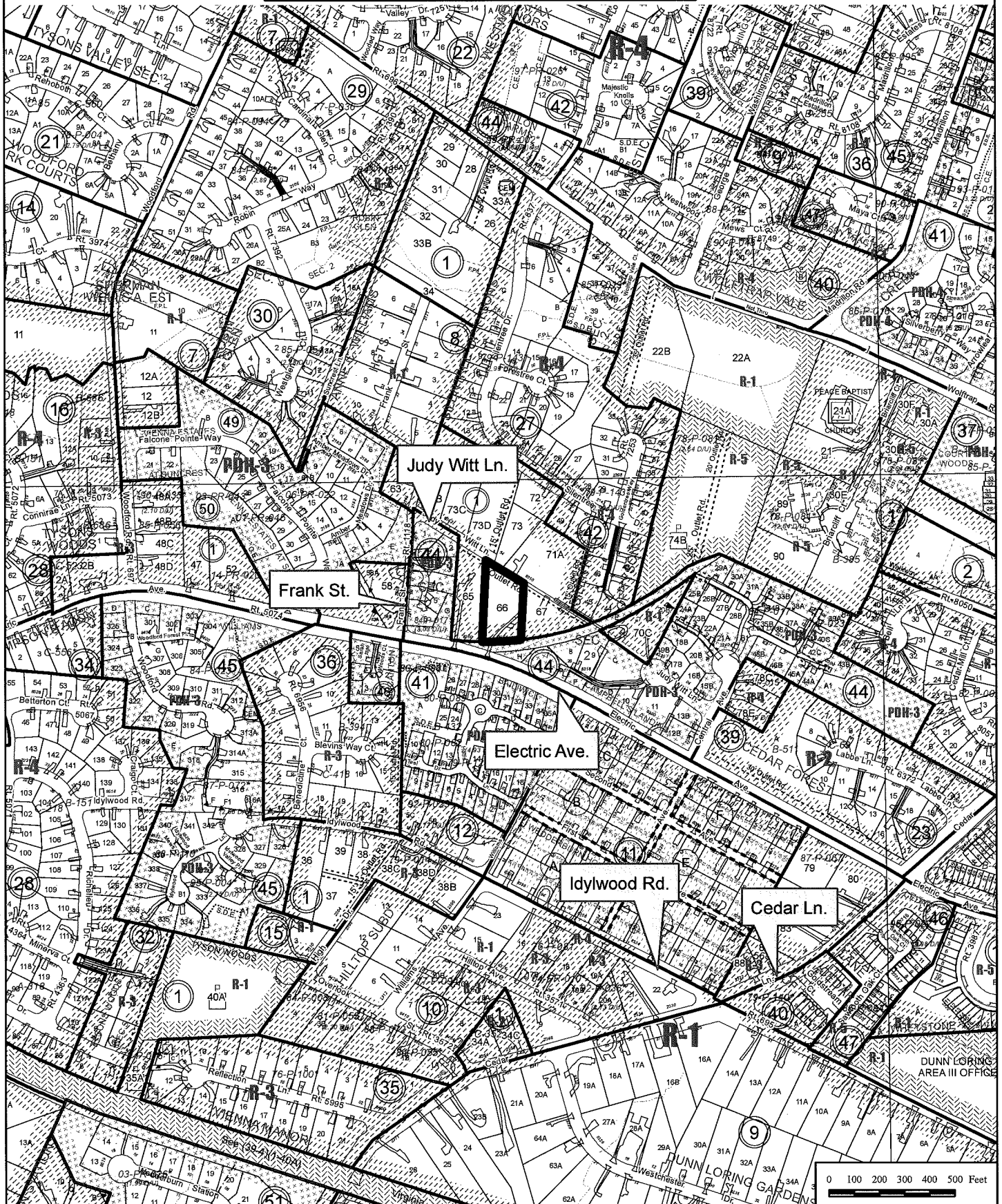


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

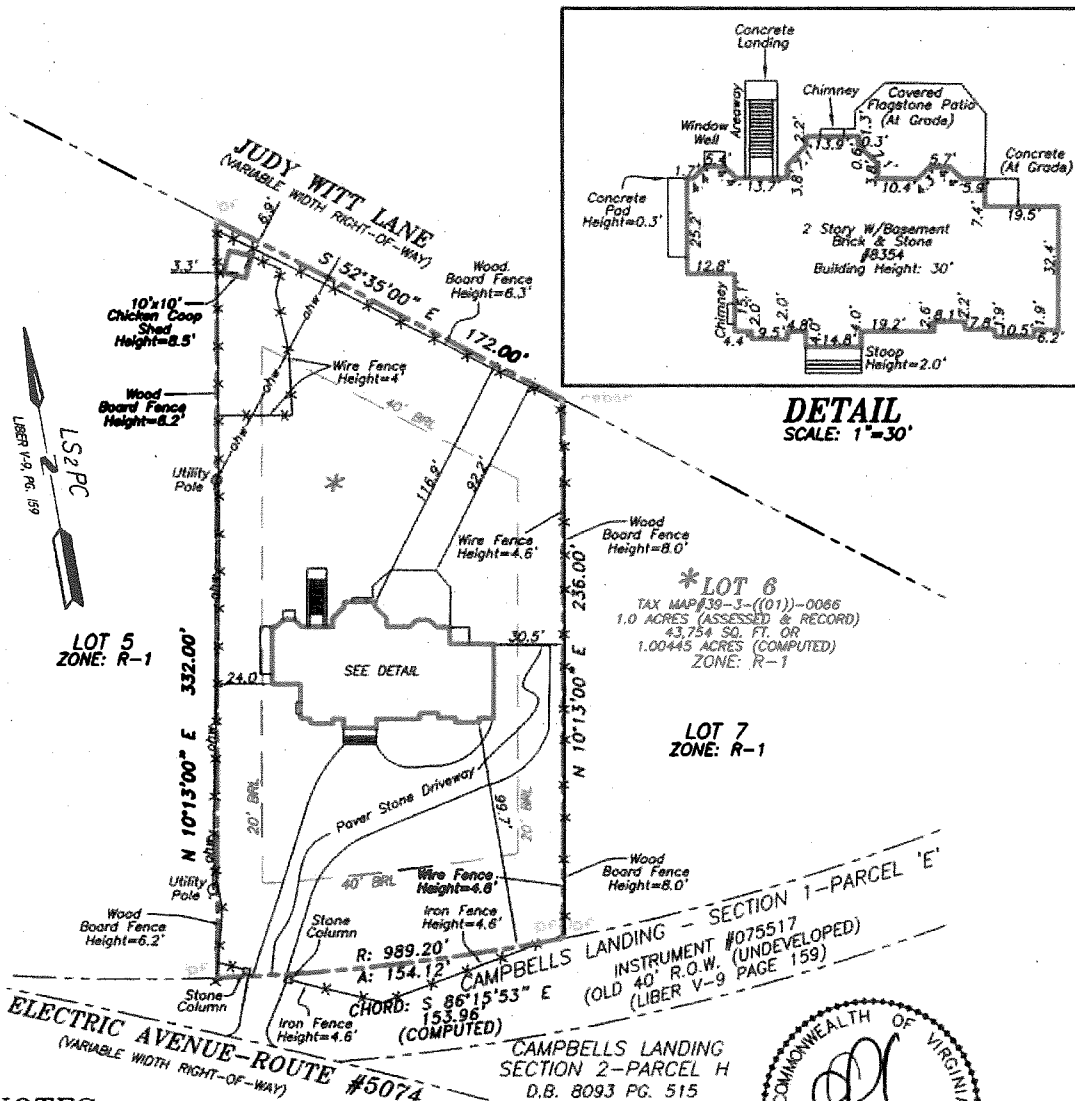
Special Permit

SP 2015-PR-009

Paula Mansour Awad



THIS SPECIAL PERMIT PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF FENCES OR ANY OTHER IMPROVEMENTS. FENCES SHOWN HEREON ARE APPROXIMATE AND ARE NOT TO BE USED FOR DETERMINATION OF PROPERTY LINES.



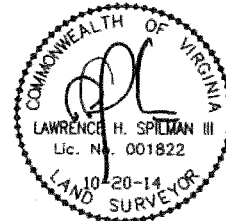
NOTES:

1. CURRENT OWNER: JIHAD AWAD AND PAULA MANSOUR, D.B. 21801 PG. 1567.
2. THIS PROPERTY IS CLASSIFIED AS ZONE X, AN AREA OF MINIMAL FLOOD HAZARD IN ACCORDANCE WITH FLOOD HAZARD BOUNDARY MAP NO. 51059C0163E.
3. BEARINGS BASED ON THE RECORD PLAT OF COLLINS SUBDIVISION AT EAST WOODFORD, AS SHOWN ON PLAT ATTACHED TO DEED RECORDED IN LIBER V-9 PG. 159.
4. IFF: DENOTES IRON PIPE FOUND.
5. THIS SURVEY IS A GRAPHIC DEPICTION OF THE LOCATION OF IMPROVEMENTS ONLY.
6. BRL PER R-1 ZONE, FAIRFAX COUNTY, VIRGINIA.

SPECIAL PERMIT PLAT
TAX MAP #39-3-((01))-0066

LOT 6
DIVISION OF LOTS 1 & 2
COLLINS SUBDIVISION AT
EAST WOODFORD

LIBER V-9 PAGE 159
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA



I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY ELECTRONIC EQUIPMENT AND/OR TRANSIT-TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

NOTES:

RESIDENTIAL USE - NO PARKING SPACES
ALL EXISTING STRUCTURES TO REMAIN.
EXISTING DWELLING CONSTRUCTED IN 2013.
NO WELL OR SEPTIC FIELD ON SITE.
RESIDENTIAL USE - NO FAR
THERE ARE NO UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE, AND NO MAJOR UNDERGROUND UTILITY EASEMENTS REGARDLESS OF WIDTH ON SITE.
PROPERTY NOT IN ANY OVERLAY DISTRICT.

SCALE: 1"=50'

DATE: 10/20/14

DRAWN:
RMA

CHECKED:
FKP

LAND SURVEYING & CIVIL ENGINEERING
2890 EMMA LEE STREET SUITE 200
FALLS CHURCH, VIRGINIA 22042
703 • 241 • 5515 • FAX: 703 • 241 • 5516

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow the modification to the limitations on the keeping of animals in order to permit up to twelve chickens on a 1 acre lot.

In addition, the applicant is seeking a special permit to permit a fence greater than four feet in height to remain in a front yard.

A copy of the Special Permit plat titled "Special Permit Plat, Lot 6, Division of Lots 1 & 2, Collins Subdivision at East Woodford," prepared by Lawrence H. Spilman III, L.S., dated October 20, 2014, as revised through January 15, 2015, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is a two story single-family detached dwelling. A paver driveway extends to Electric Avenue, and a stoop provides access to the main entrance of the dwelling. In the rear of the dwelling, there is an at-grade covered flagstone patio with a concrete landing. A chicken coop and chicken-run area is located in the northwest rear corner of the property. The entirety of the rear yard is enclosed by a wood board fence 6.2 feet in height and a wrought-iron fence 4.6 feet in height. This wire fence is also located in the front yard of the property. Existing vegetation in the front and rear provide screening to the application property.



Figure 1: House Location
For illustrative purposes only

The subject property and the surrounding properties to the north, east, and west are zoned R-1 and developed with single family detached dwellings. The property immediately south is zoned PDH-3 and is currently undeveloped.

BACKGROUND

According to Fairfax County Tax Records, the property was purchased by the applicant in 2011, and the house was constructed in 2013.

Since the adoption of the Zoning Ordinance, the Board of Zoning Appeals has not received any other special permit requests for the modification on the keeping of animals in the surrounding area.

On September 18, 2014, a Notice of Violation (NOV) was issued to the applicant for the keeping of eight chickens on a property less than 2 acres. A copy of the NOV is included as Appendix 4.

DESCRIPTION OF THE PROPOSED USE

The applicant is requesting approval of a special permit to allow the keeping of up to twelve hen chickens on a one acre lot. This area is less than the required two acres as required by Sect. 2-515 of the Zoning Ordinance. In properties greater than two acres, up to 64 chickens are allowable by-right. The applicant has requested to maintain approximately 1/3 of a bird unit, as defined by the Zoning Ordinance.

	Proposal	Yard	Minimum Acreage Required	Existing Acreage
Special Permit	Up to 12 chickens	Rear	2.0 acres	1.0 acres

The applicant also requests to modify the location requirements of the chicken coop in the rear yard, allowing the location of the coop to remain in its current location of 3.3 feet from a side lot line and 6.9 feet from a rear lot line. The applicant has indicated that this location is ideal due to the topography of the rear yard and to the existing vegetation screening the coop from the adjacent property. Sect. 10-104 of the Zoning Ordinance states that any structures "used for the confining or sheltering of livestock and domestic fowl... shall be located no closer than fifty (50) feet to any lot line." However, Sect. 2-512 allows the Board of Zoning Appeals to modify this provision, as

well as the number of fowl and size of the lot.

The applicant stated that the chickens are only to be kept as pets and for the fresh eggs they provide to her household. The chicken coop is weather-proof, ventilated, and contains a fenced run area. The chicken coop is regularly cleaned through the replacement of hay and pine shavings. These materials are thoroughly composted and later used for garden fertilizer on the applicant's property. A condition has been included to require the thorough composting of chicken waste prior to its use as fertilizer.

The fence included in this application is currently located approximately 15 feet off-site on undeveloped property owned by the Campbell's Landing Homeowners Association. The applicant indicated that when the subject property was purchased, an existing fence had been installed in this exact location by the previous owner. The new owners replaced the old fence with the current iron fence with no knowledge that it was off-site. The fence is 4.6 feet in height and provides privacy to the residents. A development condition has been included to relocate the existing iron fence within the boundaries of the subject property.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, Vienna Planning District
Planning Sector: Spring Lake Community Planning Sector (V3)
Plan Map: Residential, 2-3 dwelling units per acre

Zoning District Standards

Bulk Standards (R-1)		
Standard	Required	Provided
Lot Size	36,000 sf.	1 acre (43,560 sf.)
Lot Width	Interior: 150 feet	154.12 feet
Building Height	35 feet max.	30 feet
Front Yard	Min. 40 feet	99.7 feet
Side Yard	Min. 20 feet	24.0 feet
Rear Yard	Min. 25 feet	92.2 feet

Accessory Structures On-Site

Structure	Yard	Minimum Yard Required	Existing Location
Patio	Side	No closer than 5 feet to any lot line	~51 feet

Zoning Ordinance Requirements (Appendix 5)

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-903* Group 9 Standards
- *Sect. 8-917* Standards for Modifications to the Limitations on the Keeping of Animals
- *Sect. 8-923* Standards for Increase in Fence Height in Any Front Yard

General Standards for Special Permit Uses (Sect. 8-006)

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-1 District allows the modification to the limitations on the keeping of animals and the increase in fence height in any front yard with special permit approval.
Standard 3 Adjacent Development	No new construction is proposed. The current location of the chicken coop is screened by a wood board fence 6.2 feet in height. With the relocation of the existing fence in the front yard, it will not impede vehicular site distance. In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.
Standard 4 Pedestrian/ Vehicular Traffic	No increase in vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/ Screening	There is no transitional screening or barrier requirement for the subject property. Existing vegetation and a wood board fence 6.2 feet in height provide ample screening to the rear yard and chicken coop area.
Standard 6 Open Space	There is no prescribed open space required in the R-1 District.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities, drainage, parking or loading on the site.
Standard 8 Signs	No signage is proposed.

Standards for all Group 9 Uses (Sect. 8-903)

Standard 1 Lot Size and Bulk Regulations	The property meets the lot size and bulk regulations for the R-1 District. No new construction or exterior modifications are proposed.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	The application is not subject to the provisions of Article 17, Site Plans.

Standards for Modifications to the Limitations on the Keeping of Animals (8-917)

Standard 1 Kinds, Numbers, Management Techniques, and Location	The applicant has proposed no more than 12 hen chickens, which is approximately 1/3 of a bird unit as defined by the Zoning Ordinance. There will be no roosters located on the property. In the applicant's statement of justification, she has outlined proper management techniques to mitigate the impact of hens on the property. Development conditions have been included to further enforce these management techniques. In regards to the location of the coop, due to the screening provided by existing vegetation and the fence, and with the relatively small size of the enclosure, staff has no objections with the current location of the chicken coop. In staff's opinion, the large size of the lot is suitable to accommodate this number of chickens.
Standard 2 Harmonious and Compatible	With the adoption of proposed development conditions, staff believes the potential impacts on adjacent properties would be mitigated. Regular maintenance is required by the conditions, and the inclusion of hens only will limit noise disturbance.
Standard 3 Plat Requirements	The applicant has met all plat submission requirements for the modification to the limitations on the keeping of animals.

Standards for Increase in Fence Height in Any Front Yard (8-923)

Standard 1 Fence Shall Not Exceed 6 feet in Height	The existing iron fence is 4.6 feet in height.
Standard 2 Meet Sight Distance Requirements	Once relocated, the iron fence will not be located in an area that will affect sight distance.
Standard 3 Proposed Fence Height is Warranted	As the fence is merely six inches greater in height than the maximum allowed by the Zoning Ordinance, staff has no objection to request. In addition, the open nature of the fence minimizes its visual prominence.
Standard 4 Fence is in Character with On-site and Off-	Similar fencing exists on the adjacent properties throughout the area.

site Uses	
Standard 5 Fence Will Not Adversely Impact Other Properties	Staff believes the fence will not adversely impact other properties.
Standard 6 BZA May Impose Conditions	Proposed development conditions are included in Appendix 1.
Standard 7 Meet Submission Requirements	A copy of the plat is included in the beginning of this report.
Standard 8 Architectural Depictions Provided	Pictures of the existing fence have been included in Appendix 2.

CONCLUSION / RECOMMENDATION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions. Staff recommends approval of SP 2015-PR-009 for the keeping of animals and for a fence greater than four feet to remain in a front yard with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Special Permit Development Conditions
2. Applicant's Statement of Justification and Select File Photos
3. Applicant's Affidavit
4. Notice of Violation, dated September 18, 2014
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-PR-009****April 15, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-PR-009 located at Tax Map 39-3 ((1)) 66 to permit modifications to the limitations on the keeping of animals and to permit fence greater than four feet in height in a front yard per Sections 8-917 and 8-923 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Paula Mansour Awad, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 8354 Electric Ave., and is not transferable to other land.
2. This special permit is granted only for the keeping of animals (fowl), the location of the proposed chicken coop, and the proposed relocation of the fence located on the plat titled "Special Permit Plat, Lot 6, Division of Lots 1 & 2, Collins Subdivision at East Woodford," prepared by Lawrence H. Spilman III, L.S., dated October 20, 2014, as revised through January 15, 2015, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This approval shall be for a maximum of twelve (12) chickens. No roosters are permitted.
5. All chicken waste shall be thoroughly composted before use or distribution, or removed from the site.
6. The composting site shall be covered to prevent leaching of pollutants.
7. The chickens shall remain in a fenced area at all times.
8. Within 6 months of approval, the applicant shall relocate the wrought-iron fence to be within the boundary lines of the subject property. This fence shall not exceed 4.6 feet in height.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the use is established. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Pemberton, Debbie

From: paula mansour <paulamansour@aol.com>
Sent: Wednesday, January 14, 2015 12:52 PM
To: Pemberton, Debbie
Subject: Awad
Attachments: Scan 2.pdf

RECEIVED
Department of Planning & Zoning

JAN 14 2015

Zoning Evaluation Division

Regarding the Special Permit to the Subject Property; 8354 Electric Ave in Vienna Virginia 22182.

***8=923 Addressing the front fence which is greater than 4 feet high to remain in the front of the yard. An existing open metal fence located at the property 8354 Electric Ave in Vienna. The Fence provides a clear visual of the house but still adds the privacy and protection of having young children roaming onto the main street or having pedestrians roam onto property.**

***Addressing to modify the location of the coop and pen in the back of the yard. We are requesting to modify the location of the coop up to 20 feet of the property line. The listed requirement is listed to be at 50 feet from property line but that provides no such safety towards us or the neighbouring homes. At that 50 feet mark is a top of the hill and it is extremely dangerous to add the coop and pen at the foot of the hill. We do ask to modify the location of the coop to the 20 feet of the property line and that will provide safety grounds for us as well as our neighbors and nearby residences. At the 20 foot mark it does not near any neighbors so provides plenty of common ground for the keeping of animals.**

***As the owner of the property located at 8354 Electric Ave, I state that there are no known hazardous waste or substances, pollutants or contaminants at property grounds or structures. There are no petroleum products or storage tanks on property. There are no other exception or variances brought forth.**

**Paula Mansour Awad
Realtor@
Keller Williams Realty
105 W. Broad Street
Falls Church, VA 22046
703-200-6221**

From: Paula Mansour <paulamansour1@gmail.com>

To: Paula Mansour <paulamansour@aol.com>; Paula Mansour <paulamansour1@gmail.com>

Subject: chicken

Date: Mon, Dec 1, 2014 9:27 am

The Special Permit is intended for the keeping of use of Chickens on property located at 8354 Electric Avenue in Vienna, Virginia. The chickens are to be kept as pets and used only for fresh eggs. Chickens and chicken coop are to be kept on left rear side of the home, where plenty of sunlight is received to ensure warmth. The chicken coop is to be weathered proof, ventilated and fenced in to protect the chickens from predators along with access to an outdoor fenced in area for roaming.

They require clean water which will be kept at all times, a feeding jug as well as vegetable scraps, bread, grains for feeding and hay for nesting spot. Wood chips is to be distributed all through out the chicken coop to provide a dry cushion for chickens and control odor and pests.

Types of Chickens vary from breeds but still compatible such as Rhode Island Reds, New Hampshire, Wyandotte to all provide brown eggs. Ameraucana breed that provides blue eggs.

Chicken coop is to be cleaned once every two to three months although they recommend coops to be cleaned every six months. Cleaned by replacing the hay for nesting and cleaning out the pine shavings on ground flooring. The bedding and shavings are to be collected with manure and composed in bin (3x3x3 feet). The collecting of such is to be used for fertilizer in gardening later on.

RECEIVED
Department of Planning & Zoning

DEC 01 2014

Zoning Evaluation Division

This letter is regarding the property 8354 Electric Ave, in Vienna, Virginia.

The reason is pertaining to page 7 question number 2 under requirements. We are submitting a request for waiver to use the house location plat that is included with this application.

Paula Alvar

RECEIVED
Department of Planning & Zoning

SEP 15 2014

Zoning Evaluation Division

This application is to apply and obtain a special permit to raise chickens. The proposed use is to raise chickens as pets in the back yard and for fresh eggs. Number of chickens are to be from 8-12.

Paula Reed

RECEIVED
Department of Planning & Zoning

SEP 15 2014

Zoning Evaluation Division

Pemberton, Debbie

From: paula mansour <paulamansour@aol.com>
Sent: Thursday, January 15, 2015 5:33 PM
To: Pemberton, Debbie
Subject: Awad

RECEIVED
Department of Planning & Zoning

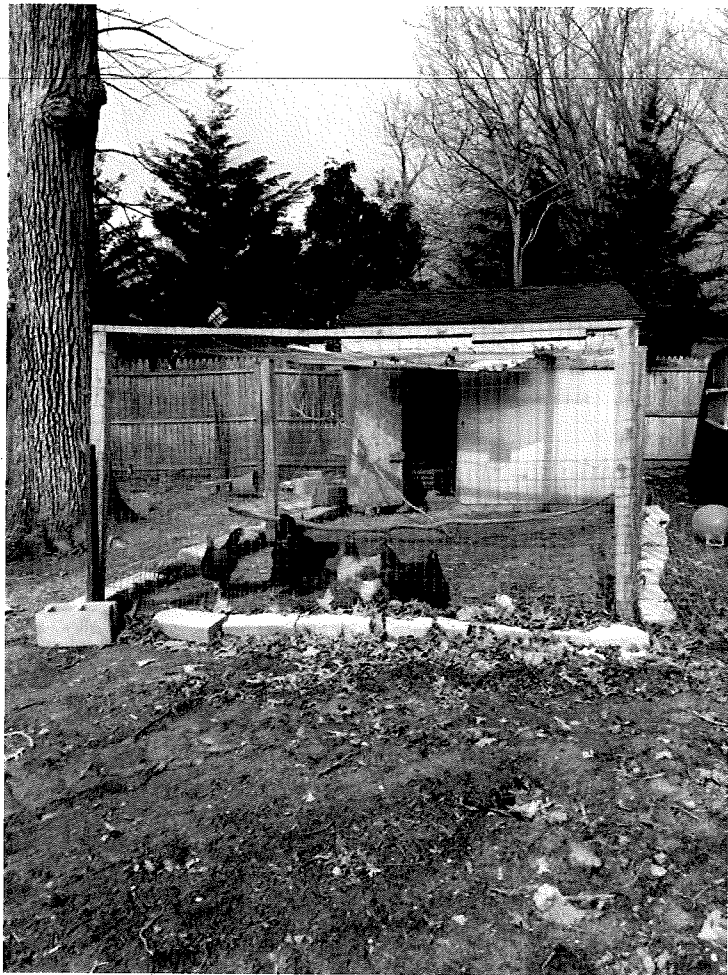
JAN 16 2015

Zoning Evaluation Division

Regarding Property 8354 Electric Ave, Vienna VA 22182;

The pictures below show the chicken coop as well as the chickens on site. The coop is towards the far back left side of the house. They are existing and the coop consists of 9 chickens. The breeds are, Rhode Island Reds, Ameraucana chicken, Colombian Rock and New Hampshire Red. Even though they are different breeds, the chickens still manage well together. There is plenty of space for them to roam around while having their own nests to lay in.

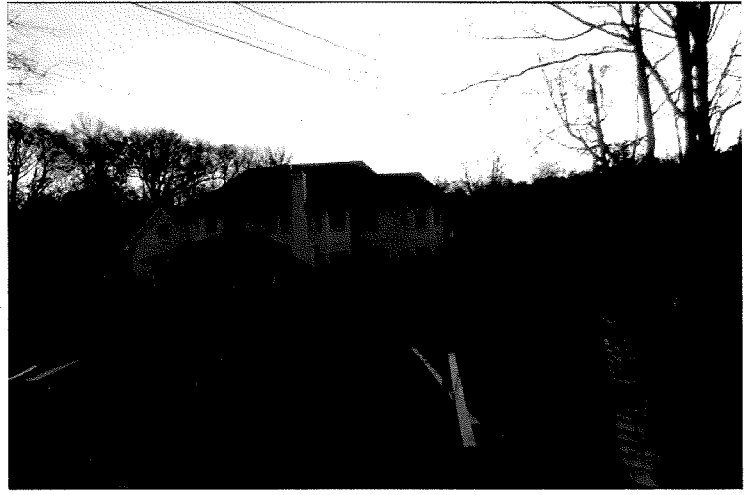












Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/10/2014
 (enter date affidavit is notarized)

127747

I, Paula Mansour Awad, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one)

☒
☐

applicant

applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Jihad Awad	8354 Electric Ave Vienna, VA 22182	Co-Owner
Paula Awad AKA: Paula Mansour	8354 Electric Ave Vienna, VA 22182	Applicant - Co-Owner

(check if applicable)

☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/10/2004
(enter date affidavit is notarized)

127 747

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

N/A

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/10/2014
(enter date affidavit is notarized)

127747

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

N/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/10/2014
(enter date affidavit is notarized)

127747

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

SPECIAL PERMIT/VARIANCE AFFIDAVITDATE: 11/10/2014
(enter date affidavit is notarized)

12747

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: **(NOTE:** If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant☐ Applicant's Authorized Agent

Paula Mansour Awad
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 17 day of NOVA 2014, in the State/Comm. of VIRGINIA, County/City of McLean.

[Signature]
Notary Public

My commission expires: 12/31/17



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

DCC RETURN COPY

NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: September 18, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Jihad Awad
Paula Mansour

ADDRESS: 8354 Electric Avenue
Vienna, Virginia 22182-5104

LOCATION OF VIOLATION: 8354 Electric Avenue
Vienna, VA 22182-5104

TAX MAP REF: 0393 01 0066

ZONING DISTRICT: R- 1

CASE #: 201405353 **SR #:** 107952

ISSUING INVESTIGATOR: S. C. Lunsford, Ph: (703) 324-4374

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):	Zoning Violation	First Offense	Each Subsequent Offense
	§ 2-512 (3B)	\$ 200.00	\$ 500.00
TOTAL:		\$ 200.00	\$ 500.00

Dear Responsible Parties:

An inspection of the above referenced property on September 11, 2014 revealed the following violation of the Fairfax County Zoning Ordinance:

§ 2-512 (3B) Keeping of Fowl

An inspection of the above referenced property revealed that you are keeping eight (8) chickens on the above- referenced property. This property contains 1 acre of area. Commonly accepted pets are

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-653-9459 TTY 711
www.fairfaxcounty.gov/code

Jihad Awad
Paula Mansour
September 18, 2014
SR 107952
Page 2

defined in Part 3 of Article 20 of the Fairfax County Zoning Ordinance as:

Domesticated rabbits; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; dogs; cats; domestic chickens, ducks and geese under two (2) months old; birds such as canaries, parakeets, doves and parrots; worm/ant farms; non-poisonous spiders; chameleons and similar lizards; and non-poisonous snakes. The BZA may allow other pets to be kept as commonly accepted pets in accordance with the provisions of Part 9 of Article 8.

Additionally, Par. 3B of Sect. 2-512 of the Fairfax County Zoning Ordinance provides:

3. The keeping of livestock or domestic fowl shall be allowed as an accessory use on any lot of two (2) acres or more in size. The keeping of such livestock or domestic fowl shall be in accordance with the following:
 - B. The number of domestic fowl kept on a given lot shall not exceed the ratio of one (1) bird unit per one (1) acre, with a bird unit identified as follows:

32 chickens	= 1 bird unit
16 ducks	= 1 bird unit
8 turkeys	= 1 bird unit
8 geese	= 1 bird unit

In determining the number of domestic fowl permitted, only fowl six (6) months or older in age shall be counted.

Therefore, the keeping of eight (8) chickens on this lot which contains one acre of land is a violation of Par. 3B of Sect. 2-512 of the Zoning Ordinance as outlined above.

You are hereby directed to clear this violation within one hundred and eighty (180) days of receipt of this notice. Compliance can be accomplished by:

- Removing the chickens from the property, or
 - Applying to and ultimately obtaining approval of a Group 9 Special Permit from the Fairfax County Board of Zoning Appeals for modifications to limitations on the keeping of animals in accordance with Sect. 8-917 (enclosed) of the Zoning Ordinance to allow the chickens to remain on this lot.
-

Jihad Awad
Paula Mansour
September 18, 2014
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A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §18-903(1).


You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:

Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035
Office: (703) 324-1314

Information and forms can also be obtained at <http://www.fairfaxcounty.gov/dpz/bza/appeals/>

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703) 324-4374. For any other questions, contact our main office at (703) 324-1300.

LEGAL NOTICE ISSUED BY:



Signature

S. C. Lunsford
Code Compliance Investigator
Ph: (703) 324-4374
catherine.lunsford@fairfaxcounty.gov

Jihad Awad
Paula Mansour
September 18, 2014
SR 107952
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☐ PERSONAL SERVICE

☒ Being unable to make personal service a copy was delivered in the following manner:

- ☐ Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- ☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

☒ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).

- ☐ Served on a Secretary of the Commonwealth.
- ☐ Not found.

J. Silver / 696

SERVING OFFICER

9-18-14 Stacey A. Kincaid, Sheriff
DATE for
Fairfax County, VA

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- ☐ Not found.

J Silver / 696

SERVING OFFICER

9-18-14 Stacey A. Kincaid, Sheriff
DATE for
Fairfax County, VA

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- ☐ Served on a Secretary of the Commonwealth.
- ☐ Not found.

SERVING OFFICER

for

DATE

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- ☐ Served on a Secretary of the Commonwealth.
- ☐ Not found.

SERVING OFFICER

for

DATE

2-512 Limitations on the Keeping of Animals

1. The keeping of commonly accepted pets shall be allowed as an accessory use on any lot, provided such pets are for personal use and enjoyment, and not for any commercial purpose. Dogs shall be subject to the provisions of Par. 2 below.
2. The keeping of dogs, except a kennel as permitted by the provisions of Part 6 of Article 8, shall be allowed as an accessory use on any lot in accordance with the following:
 - A. The number of dogs permitted shall be in accordance with the following schedule, except that, in determining the number of dogs allowed, only those dogs six (6) months or older in age shall be counted.

<i>Number of Dogs</i>	<i>Minimum Lot Size</i>
1 to 2	No requirement
3 to 4	12,500 square feet
5 to 6	20,000 square feet
7 or more	25,000 square feet plus 5,000 square feet for each additional dog above 7

- B. Notwithstanding the above, dogs in numbers greater than those set forth above may be kept on a lot when it can be demonstrated that:
 - (1) Such dogs were kept on the lot prior to October 11, 1977 and have continued to be kept on such lot; or
 - (2) Three (3) dogs were kept on a lot of less than 12,500 square feet in size, or five (5) dogs were kept on a lot of 12,500 to 19,999 square feet in size, prior to February 25, 1985.

The provisions of this Paragraph B shall apply only to existing dogs when evidence is submitted which specifically identifies each animal and documents that such animal was present on the lot in accordance with the applicable time frames set forth above.

Nothing in this Ordinance shall be construed to determine the type of license required for dogs under the provisions of Chapter 41 of The Code.

3. The keeping of livestock or domestic fowl shall be allowed as an accessory use on any lot of two (2) acres or more in size. The keeping of such livestock or domestic fowl shall be in accordance with the following:
 - A. The number of livestock kept on a given lot shall not exceed the ratio of one (1) animal unit per one (1) acre, with an animal unit identified as follows:

2 head of cattle	= 1 animal unit
5 sheep	= 1 animal unit

3 horses	= 1 animal unit
5 swine	= 1 animal unit
5 goats	= 1 animal unit
5 llamas	= 1 animal unit
5 alpacas	= 1 animal unit

Horses shall include ponies, mules, burros and donkeys. In determining the number of livestock permitted, only horses six (6) months or older in age and cattle, sheep, goats, and swine one (1) year or older in age shall be counted. In addition, in determining the number of livestock permitted, combinations of animals are allowed, provided that the ratio of one (1) animal unit per one (1) acre is maintained.

- B. The number of domestic fowl kept on a given lot shall not exceed the ratio of one (1) bird unit per one (1) acre, with a bird unit identified as follows:

32 chickens	= 1 bird unit
16 ducks	= 1 bird unit
8 turkeys	= 1 bird unit
8 geese	= 1 bird unit

In determining the number of domestic fowl permitted, only fowl six (6) months or older in age shall be counted.

4. The keeping of honeybees in four (4) beehives or less shall be allowed as an accessory use on any lot. On any lot of 10,000 square feet in size or larger, more than four (4) beehives may be kept, provided there is an additional lot area of 2500 square feet for each hive. In all instances, there shall be one (1) adequate and accessible water source provided on site and located within fifty (50) feet of the beehive(s). In addition, if the landing platform of a hive faces and is within ten (10) feet of any lot line, there shall be a flight path barrier, consisting of a fence, structure or plantings not less than six (6) feet in height, located in front of the hive.
5. The keeping of racing, homing, or exhibition (fancy) pigeons shall be allowed as an accessory use on any lot 10,000 square feet or more in size.
6. All accessory structures associated with the keeping or housing of animals shall be located in accordance with the provisions of Part 1 of Article 10.
7. The BZA may approve a special permit to modify the provisions of Paragraphs 1 through 6 above, but only in accordance with Part 9 of Article 8; provided, however, that a kennel, animal shelter or riding or boarding stable shall be subject to the provisions of Part 6 of Article 8.
8. The keeping of wild, exotic, or vicious animals shall not be allowed except as may be permitted by Chapter 41 of The Code.

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-917 Provisions for Modifications to the Limitations on the Keeping of Animals

The BZA may approve a special permit to allow the keeping of animals that are not commonly accepted pets, to allow the keeping of animals in numbers greater and/or on lots smaller than permitted by Sect. 2-512, or to allow modifications to the location regulations of Par. 9 of Sect. 10-104, but only in accordance with the following:

1. In reviewing an application, the BZA shall consider the kinds and numbers of animals proposed to be kept, the characteristics thereof, the proposed management techniques, and the location that such animals will be kept on the lot. The BZA may impose such conditions, to include screening and minimum yards, as may be necessary to ensure that there will be no adverse impact on adjacent property and no emission of noise and/or odor detrimental to other property in the area.
2. Such modification may be approved if it is established that the resultant use will be harmonious and compatible with the adjacent area.
3. Notwithstanding the requirements set forth in Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat, which may be prepared by the applicant and shall contain the following information:
 - A. The dimensions of the lot or parcel, the boundary lines thereof, and the area of land contained therein.
 - B. The dimensions, height and distance to all lot lines of any existing or proposed building, structure or addition where such animals are to be kept.
 - C. The delineation of any Resource Protection Area and Resource Management Area.
 - D. The signature and certification number, if applicable, of the person preparing the plat.

8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3l of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.

- C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. If applicable, existing gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.